

AO 399 (01/09) Waiver of the Service of Summons

UNITED STATES DISTRICT COURT

for the
Eastern District of Virginia

UHURU BARAKA ROWE

Plaintiff

v.

TRACY S. RAY, et al

Defendant

Civil Action No. 3:19cv418

WAIVER OF THE SERVICE OF SUMMONS

To: UHURU BARAKA ROWE #1131545

(Name of the plaintiff's attorney or unrepresented plaintiff)

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from 06/26/2020, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date: 07/22/2020s/Laura Maughan*Signature of the attorney or unrepresented party*TRACY S. RAY, T. L. BIRCKHEAD, B. PERKINS*Printed name of party waiving service of summons*K. CLARK, MICHELLE CARPENTER, NATASHA PERKERSON,
C. COLEMAN, L. SHAW, L. TAYLOR, and M. BRADLEYLaura Maughan*Printed name*Office of the Attorney General
202 North 9th Street
Richmond, VA 23219*Address*lmaughan@oag.state.va.us*E-mail address*(804) 786-0030*Telephone number*

Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does *not* include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.



COMMONWEALTH of VIRGINIA

***Office of the Attorney General
Richmond 23219***

Mark R. Herring
Attorney General

202 N. 9th Street
Richmond, Virginia 23219
804 - 786 - 2071
804 - 371 - 8946 TDD

July 22, 2020

VIA HAND-DELIVERY

Clerk, Eastern District Court
Richmond Division
701 East Broad Street
Richmond, VA 23219

Re: ***Uhuru Baraka Rowe v. Tracy S. Ray***
Case No.: 3:19cv418

Dear Clerk:

Enclosed please find a Waiver of Service of Summons to be filed on behalf of all defendants in the above-styled case.

If you have any questions, please do not hesitate to contact me directly at (804) 786-0030.

Thank you for your assistance.

Sincerely,

s/Laura Maughan

Laura Maughan
Assistant Attorney General
Criminal Justice and Public Safety

Enclosure(s)

cc: Uhuru Baraka Rowe, # 1131545
Greensville Correctional Center
901 Corrections Way
Jarratt, Virginia 23870